

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/735,983	GUZI ET AL.
	Examiner Andrew B. Freistein	Art Unit 1626

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment Filed 10/03/2005.
2.  The allowed claim(s) is/are 1-4, 9-21, 23, 24, 39, 41 and 42.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-4, 9-21, 23-25 and 39-41 are currently pending in the instant application. Claims 5-8, 22 and 26-38 were cancelled by amendment.

#### ***Priority***

This application claims benefit of US Provisional Application No. 60/434,101, filed 12/17/2002.

#### ***Information Disclosure Statement***

Applicant's information disclosure statement (IDS), filed on July 6, 2004, has been considered and was mailed to Applicant with the previous Office Action, which was mailed September 19, 2005.

#### ***Restriction Requirement***

The restriction requirement is maintained. Applicant has the right to file divisional applications to non-elected subject matter and cancelled subject matter.

#### ***Examiner's Amendment***

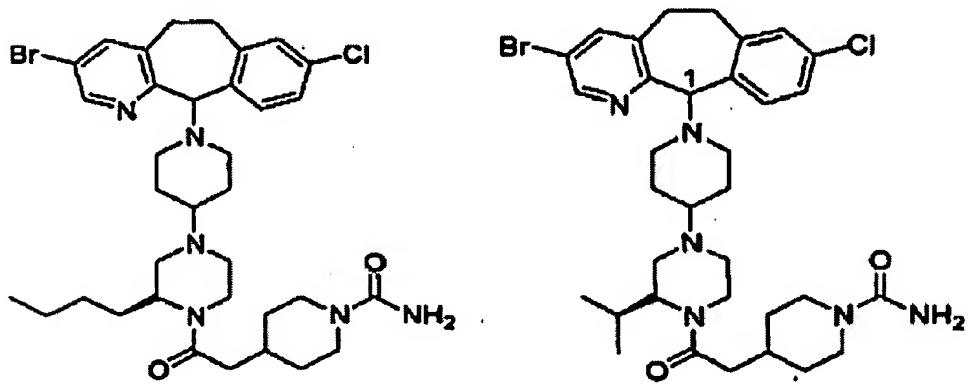
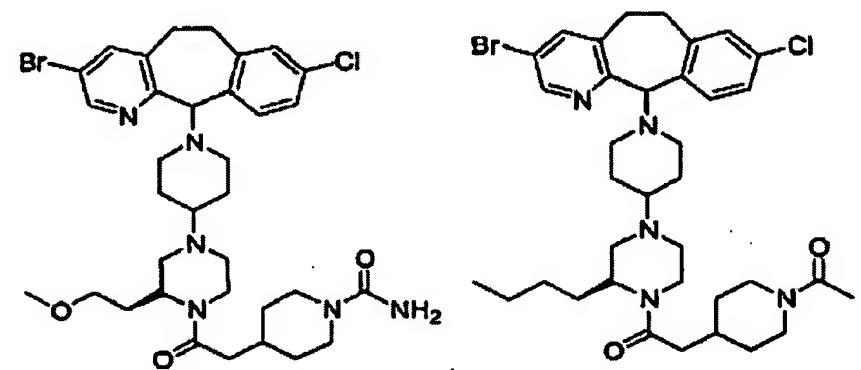
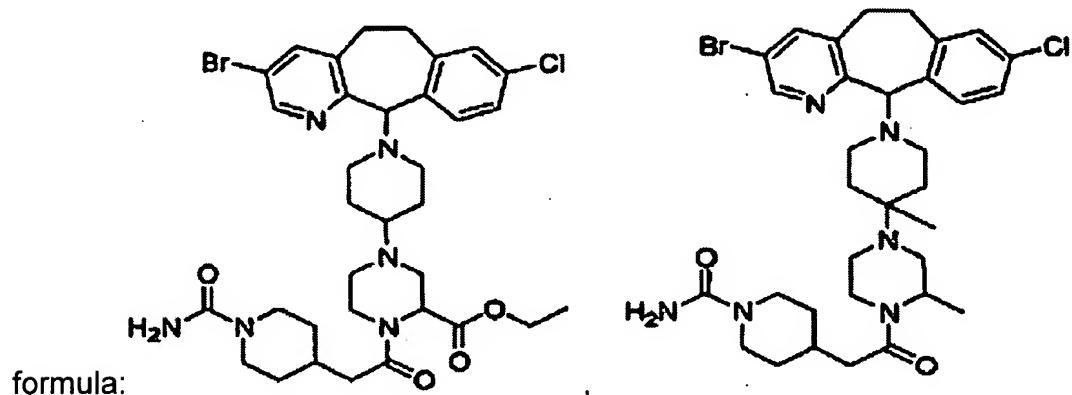
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

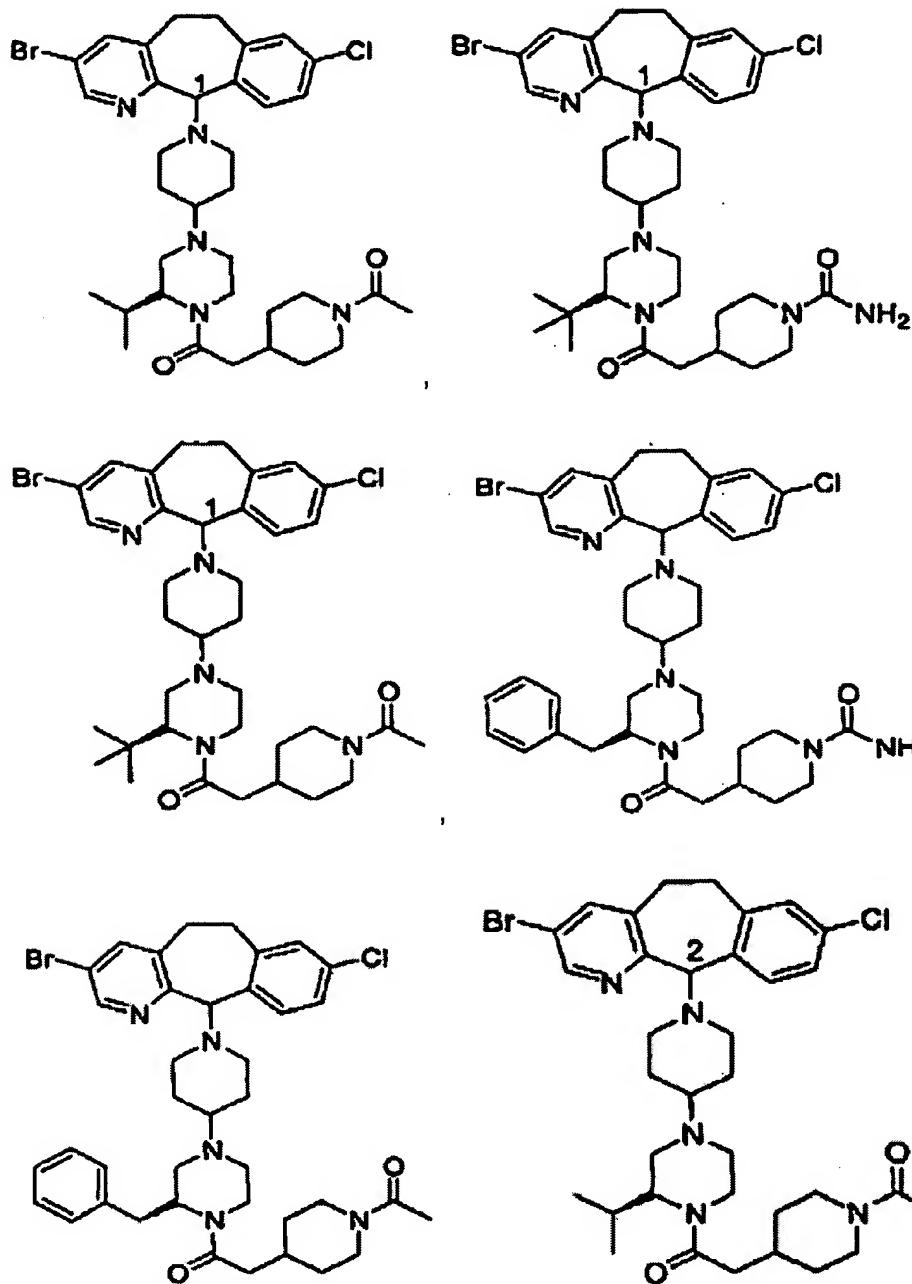
Authorization for this examiner's amendment was given during a telephone interview with Attorney Palaiyur S. Kalyanaraman, Ph.D. on November 8, 2005.

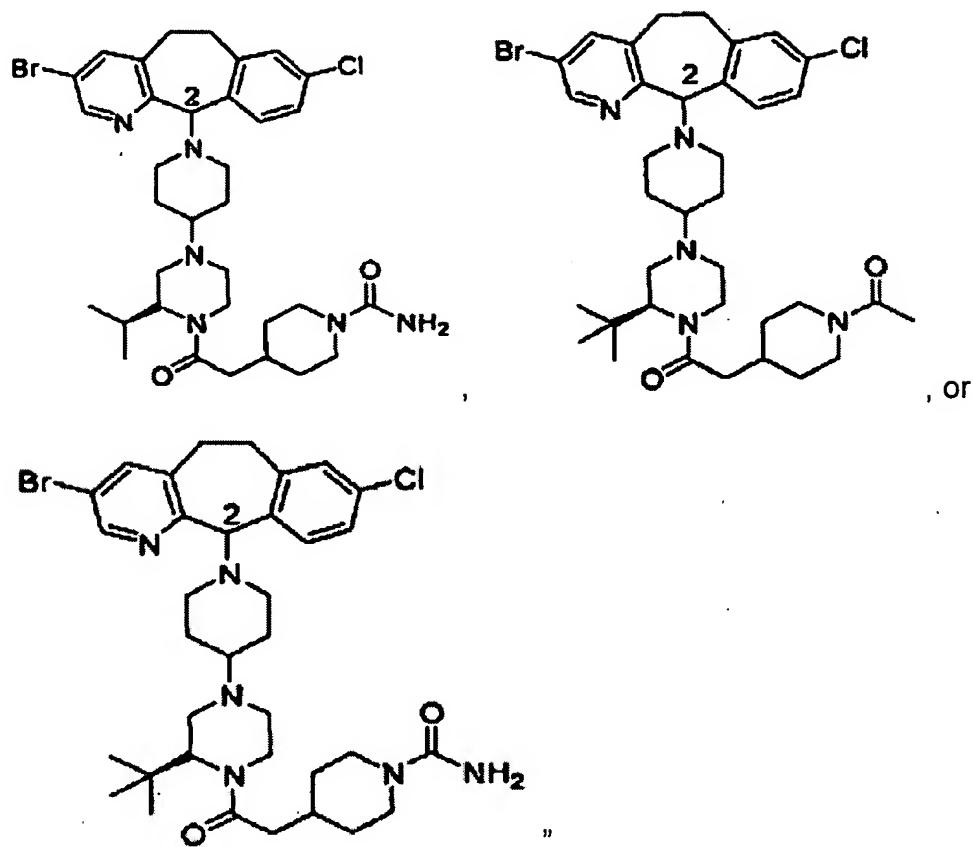
This application has been amended as follows:

1. Cancel claims 25 and 40.

2. Insert new claim 42 as follows, "A compound according to claim 1 of the

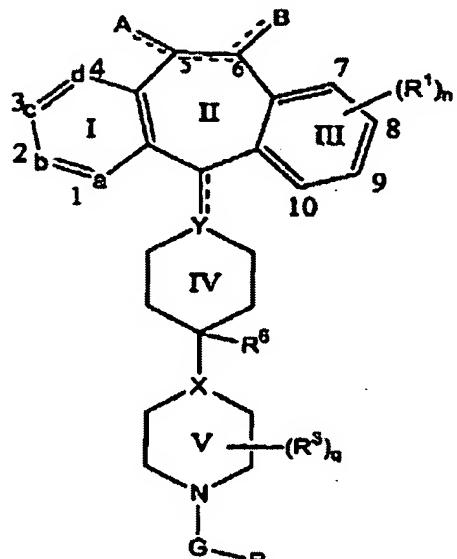






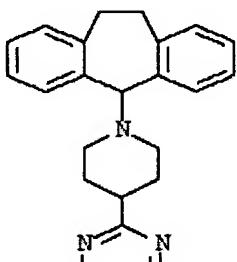
## **Reasons For Allowance**

**Applicant's invention is a compound and pharmaceutical composition comprising**



a compound of Formula (I),

The closest relevant art is Tsakovska, et al., "Molecular modeling of triazine type MDR modulators using CoMFA and CoMSIA approaches," SAR and QSAR in Environmental Research, Vol. 13, No. 3-4, pp. 473-484 (2002), which discloses the



compound . The instant invention differs from the closest relevant art in many ways. One significant difference is that Formula (I) of the instant application depicts ring V, which is always piperazine bonded to piperidine through a nitrogen atom. However, the closest relevant art depicts this ring as a s-triazine bonded to the piperidine through a carbon atom.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



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Andrew B. Freistein  
Patent Examiner, AU 1626

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Golam Shameem, Ph.D.  
Primary Patent Examiner, AU 1626  
Date: November 8, 2005